

***BOARD OF BAR EXAMINERS OF THE
DELAWARE SUPREME COURT***

PRECEPTOR MEETING

***WEDNESDAY, JUNE 9, 2010
CHASE CENTER ON THE RIVERFRONT
11:00 - 12:00***

Welcome

***The Honorable Henry duPont Ridgely
Justice, Supreme Court of the State of Delaware***

Clerkship Requirement and Checklist

***Pamela S. Tikellis, Esquire
Chair, Board of Bar Examiners***

Reviewing the Bar Application

***Wendy K. Voss, Esquire
Vice Chair, Board of Bar Examiners***

Question and Answer Session

Closing Remarks

The Honorable Henry duPont Ridgely

EXHIBIT A

MEMORANDUM

TO: ALL PRECEPTORS

FROM: The Board of Bar Examiners

DATE: January 29, 2010

RE: PRECEPTOR DUTIES AND CLERKSHIP REQUIREMENTS

As a Preceptor, you have a unique opportunity to be a guiding force and mentor to an applicant. Your frequent meetings with your applicant provide a wonderful opportunity to impart principles of appropriate lawyer conduct as a member of the Delaware Bar. By your own example, you can demonstrate the professionalism that is a hallmark of the Delaware Bar - professionalism that embodies a dedication to the principles of ethics, civility, skill, businesslike practice and a focus on service to the public, the Court and the Bar (see Supreme Court Rule 71). Our legacy as Delaware lawyers will be judged in part by the effectiveness with which we communicate the expectations of our profession to those who follow us, and you are in a unique position to impart those expectations at the earliest stage of a Delaware lawyer's career.

Each Preceptor should carefully study all Rules of the Delaware Supreme Court relating to the admission process (Rules 51-56); Rules 5-15 of the Board of Bar Examiners (the "Board"); and Board of Professional Responsibility Rules 8.1 and 8.3.

The rules relating to Preceptors and clerkships are designed to accomplish two primary objectives:

1. Character and fitness of the applicant. The duties imposed upon a Preceptor under BR-10 are designed to make the Preceptor's sponsorship of the applicant a meaningful part of the admission process rather than a pro forma exercise. As a Preceptor, you have an affirmative duty to investigate the character and fitness of the applicant and to examine carefully the truthfulness and completeness of the application so as to provide needed assistance to the Board in conducting its investigation. Although you serve as a mentor to an applicant, you are not an advocate for the applicant. BR 10(d)(1) explicitly recognizes that the Court and the Board rely on the Preceptor's certification.

2. Practical training of the applicant. The clerkship requirements are intended to make the clerkship a meaningful teaching mechanism to help insure that an applicant's

preparation for admission includes a bona fide exposure to the practical aspects of law practice and the traditions of the Delaware Bar. This training can only be accomplished if the Preceptor is actively and closely involved in the process. Thus, Supreme Court Rule 52(8)(i) requires "**direct and constant**" supervision of the applicant, to which the Preceptor must certify. If the Preceptor delegates this supervisory role, the other attorney must be satisfactory to the Preceptor and such attorney must be a member of the Delaware Bar for at least 5 years. In addition, if the Preceptor delegates supervision to such qualified attorney, communication between and among the Preceptor, supervising attorney and applicant should be frequent and substantive.

Delaware's five-month clerkship requirement has been highly praised by the Boards of several larger states. The preceptor's close association with the applicant also affords the preceptor the opportunity to expose the applicant at the outset of his or her career to this Bar's high standards of professionalism and civility. Indeed, BR-10(d) provides that the preceptor "shall confer on a frequent and regular basis . . . to advise the applicant of the expected conduct and obligations of a member of the Bar."

A. Preceptor's Responsibility - Character and Fitness.

Under BR-10 a Preceptor has an affirmative duty to base all certifications upon specific personal knowledge, and/or investigation and supervision. In making those certifications, a Preceptor represents to the Court and the Board that the duties imposed by the Rules have been satisfied, including (by way of example only):

- Personal knowledge of or reasonable investigation of the character and fitness of the applicant.
- Factual accuracy and completeness of the candidate's application for admission.
- Full compliance with the clerkship requirements set forth in Supreme Court Rule 52(a)(8).

Under BR-10(d)(1) a Preceptor may be held accountable to the Court for failure to perform adequately the duties and obligations of a preceptor. The Delaware Supreme Court imposed a private reprimand in July 2009 for a Preceptor's failure to investigate an applicant's background and oversee the applicant's clerkship.

B. Preceptor's Responsibility - Training of the Applicant.

Supreme Court Rule 52(a)(8) requires that each applicant must have ". . . served a clerkship in the State of Delaware aggregating substantially full-time service for at least 5 months' duration . . . in the office of or under the direct and constant supervision . . ." of a member of the Delaware Bar qualified under the Rule. The 5 month period need not be continuous, but must have been served after the applicant began law school. Supreme Court Rule 52(a)(8)(iv).

Each Preceptor has an affirmative duty to be satisfied that the requirements of the Rule have been met fully. The Court and the Board recognize that compliance with this requirement may be difficult to determine in some instances. However, the Court and the Board rely on you to make sure this requirement is satisfied.

The Board cannot issue guidelines which will cover each case. Each Preceptor will have to rely on his or her own conscience and professional judgment. Some of the following Board guidelines may be helpful in interpreting the Rule in specific instances.

- Time spent studying for the Bar Examination (whether it is in a bar review course or in individual study) will not count.
- Only **practical** work done **in the State of Delaware** "in the office of or under the direct and constant supervision" of a qualified member of the Bar will count.
- Five months is approximately 21 five-day work weeks. It may be aggregated over a period of time by reasonably combining full working days (8 hours) with partial working days (4 hours). The Board has received inquiries as to whether an applicant can 'stack hours' if he or she works more than 40 hours in a week. The Board has taken the position that 'stacking hours' is not permitted.
- There is no rigid opinion held by the Board that a full day must be at least 8 hours or that a half day must be at least 4 hours or that partial days of less than 4 hours may not be aggregated or that bona fide clerkship time may not be served outside normal business hours. The preceptor as an officer of the Court must make a judgment in good faith that the total aggregate

time has been fully served in a meaningful and practical clerkship in Delaware.

- The Law Clerk Schedule of minimum requirements must also be completed as a separate and independent requirement under Supreme Court Rule 52(a)(8)(v). Please review with the applicant the schedule carefully. It has come to the Board's attention that some applicants are attending sessions of Court for a limited amount of time. As a Preceptor, you should counsel the applicant to complete each item in a meaningful and substantive manner. The Law Clerk Schedule requires applicants to attend one "complete civil trial in JP Court." The applicants are also required to "attend" trials in Court of Common Pleas, Superior Court and other Courts. What constitutes "attendance" is a frequent question. The Board has taken the position and Preceptors should so advise applicants that to the extent a trial lasts one day or less, the applicant should attend the complete trial. To the extent trials exceed one day (other than the Justice of the Peace trial), attendance beyond one day is not required.
- Although under Supreme Court Rule 52(8)(i), a Preceptor may delegate personal supervision to another member of the Bar who qualifies under the Rule and has been admitted in Delaware for at least five years, the Preceptor remains ultimately responsible for and must certify compliance with the supervision requirement to the same extent as if the Preceptor had not delegated the supervision.

Law Clerk Schedule

Each assignment must be completed in Delaware under the direct and constant supervision of the Preceptor or other qualified Delaware lawyer. The Preceptor or other qualified lawyer must sign the Law Clerk Schedule where indicated verifying that the assignment has been completed by the Applicant.

EXHIBIT B

Clerk's Name: _____ Date: _____

Address: _____

Phone Number: _____

Preceptor's Name: _____

LAW CLERK SCHEDULE OF LEGAL ACTIVITIES

The following items are to be considered minimum requirements for each law clerk, to be completed during the five months' clerkship and prior to admission to the Bar, whether that clerkship is performed during or after the conclusion of law school. Responsibility for scheduling rests on the clerk; making these arrangements is regarded as an important part of the clerkship training. Either the preceptor or a qualified member of the Bar of this state must sign each completed assignment. See Supreme Court Rule 52(a) (8) and Board of Bar Examiners Rule 10.

ASSIGNMENT

1. Attendance at one complete civil trial in a Justice of the Peace Court.
Date Completed _____ Supervised By/Bar Id _____

2. One half-day visit to Family Court, including attendance at a Trial or a Dependency and Neglect hearing if permitted by the sitting judge.
Date Completed _____ Supervised By/Bar Id _____

3. Review of the Rules of Family Court.
Date Completed _____ Supervised By/Bar Id _____

4. Attendance at (or audit of a tape recording of) one civil trial in Court of Common Pleas. (Warning: These cases often settle at the last minute. Therefore, you should begin your efforts to meet this requirement early in your clerkship).
Date Completed _____ Supervised By/Bar Id _____

ASSIGNMENT

5. Attendance at one criminal trial in the Court of Common Pleas.
Date Completed _____ Supervised By/Bar Id _____
6. Attendance at one ADR Proceeding under Superior Court Civil Rules or alternatively, attendance at one arbitration or mediation in Delaware under the Rules of the American Arbitration Association or any similar ADR organization.
Date Completed _____ Supervised By/Bar Id _____
7. Attendance at one session of arraignments in Superior Court.
Date Completed _____ Supervised By/Bar Id _____
8. Attendance at one session of sentencing in Superior Court.
Date Completed _____ Supervised By/Bar Id _____
9. Attendance at one selection of a jury in Superior Court.
Date Completed _____ Supervised By/Bar Id _____
10. Attendance at a criminal trial in Superior Court.
Date Completed _____ Supervised By/Bar Id _____
11. Attendance at a pre-trial conference in District Court, Court of Chancery or Superior Court.
Date Completed _____ Supervised By/Bar Id _____
12. Participation in the preparation of papers relating to an actual or mock motion in the Superior Court, and attendance at presentation of a Superior Court motion after study of the applicable motion papers and a review of the principal authorities relied upon by the parties.
Date Completed _____ Supervised By/Bar Id _____
13. Attendance at a civil jury trial in Superior Court.
Date Completed _____ Supervised By/Bar Id _____
14. Attendance at a trial or hearing in the Court of Chancery.
Date Completed _____ Supervised By/Bar Id _____

ASSIGNMENT

15. Review of record of a case which has been tried and appealed.

Date Completed _____ Supervised By/Bar Id _____

16. Participation in preparation of papers relating to perfecting an actual or mock appeal to the Delaware Supreme Court, including designation of the record on appeal, or preparation of papers relating to a certification of a question of law or interlocutory appeal to the Supreme Court, including designation of the record on appeal.

Date Completed _____ Supervised By/Bar Id _____

17. Attendance at (or audit of a tape recording of) an argument in the Supreme Court after a study of applicable briefs, and a review of some of the principal authorities relied on.

Date Completed _____ Supervised By/Bar Id _____

18. Attendance at a civil or criminal trial in the District Court.

Date Completed _____ Supervised By/Bar Id _____

19. Attendance at one Sheriff's Sale.

Date Completed _____ Supervised By/Bar Id _____

20. Attendance at one interview of a client, witness or litigant with a matter.

Date Completed _____ Supervised By/Bar Id _____

21. Preparation of papers relating to commencement of actual or mock lawsuit including complaint, praecipe, and instruction to Sheriff.

Date Completed _____ Supervised By/Bar Id _____

22. Preparation of three memoranda of law.

Date Completed _____ Supervised By/Bar Id _____

23. Attendance at one deposition.

Date Completed _____ Supervised By/Bar Id _____

24. Preparation of one draft will and/or trust instrument or review and digest of three recently probated wills with the Register of Wills.

Date Completed _____ Supervised By/Bar Id _____

ASSIGNMENT

25. Participation in administration of one estate, or review of the records of two estates recently closed at the Register of Wills.

Date Completed _____ Supervised By/Bar Id _____

26. Attendance at one real estate closing.

Date Completed _____ Supervised By/Bar Id _____

27. Participation in a complete incorporation of a new company or review and digest of a recently filed certificate of incorporation.

Date Completed _____ Supervised By/Bar Id _____

28. Complete title search under supervision.

Date Completed _____ Supervised By/Bar Id _____

29. Attendance at a hearing of the Delaware Alcoholic Beverage Control Commission, Industrial Accident Board, or other administrative agency.

Date Completed _____ Supervised By/Bar Id _____

* * * * *

I, _____, hereby certify that I have completed a clerkship in the State of Delaware under the supervision of a Delaware attorney aggregating substantially full-time service for at least five months' duration in full compliance with Delaware Supreme Court Rule 52 (a) (8) and have completed all of the items so indicated on this Law Clerk Schedule.

Signature

Date

I, _____, preceptor for _____, an applicant for admission to the Bar of the State of Delaware, do hereby certify pursuant to the Board of Bar Examiners Rule BR-10 (d)(2) that said applicant has served a clerkship in the State of Delaware, aggregating substantially full-time service for at least five months' duration in full compliance with Delaware Supreme Court Rule 52 (a) (8) and has completed the items indicated on the Law Clerk Schedule.

Signature of Preceptor

Date

EXHIBIT C

CERTIFICATE OF PRECEPTOR

(Pursuant to BR-10)

I, _____, preceptor for _____,
an applicant for admission to the Bar of the Supreme Court of the State of Delaware (the
“applicant”), do hereby certify as follows:

1. I know the applicant;
2. I am satisfied that the applicant is a person of good moral character and reputation;
3. I am satisfied that the applicant possesses such qualities, aptitudes and disposition as fit the applicant for the practice of law;
4. I am satisfied that the applicant is qualified to take the Bar Examination and to be admitted to the Bar of the State of Delaware;
5. I base this Certificate upon:
 - ☐ my personal knowledge;
 - ☐ reasonable investigation into the applicant’s background from independent sources other than the applicant or the applicant’s family as required by BR-10(b); and
6. In providing this Certificate, I represent that:
 - (i) I have been admitted to practice before the courts of this State for more than ten (10) years prior to undertaking my duties as preceptor;
 - (ii) I have read and complied with all applicable provisions of Supreme Court Rule 52 and BR-10;
 - (iii) I understand that there will be a meeting of preceptors to be held in conjunction with the annual Bench and Bar Conference or at such other time or times as the Board may designate and that my attendance at such meeting is mandatory, and I hereby agree to attend such meeting if I have not done so within the five-year period prescribed in BR-10(a); and
 - (iv) I understand that the Board and the Supreme Court are relying on my certifications as preceptor and that I may be held accountable to the Supreme Court for failure to perform adequately my duties and obligations as a preceptor.

Signature of Preceptor

Date

EXHIBIT D

▷

Supreme Court of Delaware.
 In re John J. GREEN, Jr.
 Submitted: March 15, 1983.
 Decided: July 26, 1983.

Applicant for admission to the bar appealed a decision of the Board of Bar Examiners denying him admission due to his failure to disclose private charges of unethical conduct against him in another state. The Supreme Court held that: (1) rule requiring applicants for admission to the bar to be candid and to make full, careful and accurate responses and disclosures in all phases of application and admission procedures applied not only to persons seeking admission by taking full bar examination but also to applicants seeking admission by motion following successful completion of limited examination; (2) notice of hearing before Board was adequate; and (3) evidence supported denial of admission.

Affirmed.

West Headnotes

[1] Attorney and Client 45 ⚡3

45 Attorney and Client
45I The Office of Attorney
45I(A) Admission to Practice
45k3 k. Jurisdiction to Admit. Most Cited Cases

Attorney and Client 45 ⚡36(1)

45 Attorney and Client
45I The Office of Attorney
45I(C) Discipline
45k36 Jurisdiction of Courts
45k36(1) k. In General. Most Cited Cases
 Supreme Court alone has responsibility for licensing and disciplining persons admitted to practice of law in Delaware.

[2] Attorney and Client 45 ⚡7

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k7 k. Determination of Right to Admission. Most Cited Cases

Interest of state in matters pertaining to admission and regulation of lawyers practicing before its courts is essential to primary governmental function of administering justice and in meeting its obligation to protect public by assuring and maintaining high standards of conduct of persons admitted to the bar.

[3] Attorney and Client 45 ⚡4

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k4 k. Capacity and Qualifications. Most Cited Cases

Admission to the bar is not under any circumstances an automatic right; rather, it depends on three basic and unalterable prerequisites: good moral character, learning and demonstrated competence.

[4] Attorney and Client 45 ⚡7

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k7 k. Determination of Right to Admission. Most Cited Cases

Burden of establishing requirement of good moral character rests and remains with applicant for admission to the bar throughout every stage of admissions process, and it includes unremitting duty of candor to all persons charged with investigating and passing upon applicant's qualifications.

[5] Attorney and Client 45 ⚡7

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k7 k. Determination of Right to Admission. Most Cited Cases

Applicant for admission to the bar must take care to

make careful and accurate responses to questions in verified application.

[6] Attorney and Client 45 ⚔️

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k7 k. Determination of Right to Admission. Most Cited Cases

Rule requiring applicants for admission to the bar to be candid and to make full, careful and accurate responses and disclosures in all phases of application and admission procedures applied not only to persons seeking admission by taking full bar examination but also to applicants seeking admission by motion following successful completion of limited examination. Sup.Ct.Rules, Rule 53, Del.C. Ann.

[7] Administrative Law and Procedure 15A ⚔️

15A Administrative Law and Procedure

15AIV Powers and Proceedings of Administrative Agencies, Officers and Agents

15AIV(B) Investigations

15Ak349 k. Initiation of Proceedings for Investigation. Most Cited Cases

In administrative proceedings, there is no requirement that complaint enumerate each precise piece of evidence embraced within obvious and well-defined subject of investigation.

[8] Attorney and Client 45 ⚔️

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k7 k. Determination of Right to Admission. Most Cited Cases

Notice of Board of Bar Examiners apprising applicant for admission of hearing on his application was adequate despite applicant's contention that it did not apprise him of any issue respecting his lack of candor to his prospective perceptor regarding disclosure of private charges of unethical conduct against him in another state where notice stated that focus of Board's inquiries would be upon his failure to disclose to the Board the existence, nature and status of the private charges.

[9] Attorney and Client 45 ⚔️

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k7 k. Determination of Right to Admission. Most Cited Cases

Provided findings of Board of Bar Examiners are supported by substantial evidence and are product of orderly and logical deductive process, Supreme Court accepts them. Sup.Ct.Rules, Rule 52(a), Del.C. Ann.

[10] Attorney and Client 45 ⚔️

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k7 k. Determination of Right to Admission. Most Cited Cases

Where determination of facts by Board of Bar Examiners turns on question of credibility and acceptance or rejection of live testimony before the Board, Supreme Court, in exercise of judicial restraint, must affirm. Sup.Ct.Rules, Rule 52(a), Del.C. Ann.

[11] Attorney and Client 45 ⚔️

45 Attorney and Client

45I The Office of Attorney

45I(A) Admission to Practice

45k7 k. Determination of Right to Admission. Most Cited Cases

Evidence established before Board of Bar Examiners that applicant for admission concealed private charges of unethical conduct against him in another state was sufficient to deny admission.

***882** On appeal from the Board of Bar Examiners of the State of Delaware. affirmed. Lawrence M. Sullivan (argued); Brian J. Bartley, Wilmington, for applicant.

Howard M. Handelman (argued), Bayard, Brill & Handelman, P.A., A. Gilchrist Sparks, III, Morris, Nichols, Arsht & Tunnell, Victor F. Battaglia, Biggs & Battaglia, Wilmington, for Board.

Before HERRMANN, C.J., and McNEILLY and MOORE, JJ.

PER CURIAM:

John J. Green, Jr., a Maryland lawyer, appeals a decision of the Delaware Board of Bar Examiners (the Board) denying him admission to our Bar because of his failure to disclose to the Board several non-public ethical complaints filed against him by the Attorney Grievance Commission of the State of Maryland (the Maryland Commission). After investigation and a full evidentiary hearing the Board concluded that Green failed to satisfy the requirements of Rule 52(a)(1) of this Court as to his good moral character and reputation.^{FN1} Green raises several issues, basically as follows:

FN1. Rule 52(a)(1) provides in pertinent part:

“... no person shall be admitted to the Bar unless he shall have qualified by producing evidence satisfactory to the Board:

(1) That he is a person of good moral character and reputation and that he possesses such qualities, aptitudes and disposition as fit him for the practice of law;”

1) The duty of candor imposed by Board rule was not applicable to him.

2) The Board's notice to Green of the hearing on his application did not adequately advise him of the subject matter under investigation.

3) The Board's findings as to Green's lack of candor, and its resultant conclusion that he did not satisfy the admissions requirements of the Delaware Bar, are not supported by the record.

We have carefully examined each of these contentions, and for the reasons hereafter stated, find them without merit. Accordingly, we affirm.

*883 I.

On April 30, 1982, Green filed a sworn application for admission to the Delaware Bar under Supreme Court Rule 53.^{FN2} It was complete in form except for the certificate of a preceptor. When given, this cer-

tificate embodies the following representations of the preceptor to the Board under its Rule BR-52.9(b):

FN2. Rule 53 provides in pertinent part:

“(a) *Requirements for Admission.* Any person who has been admitted to practice in the highest court in any other state or territory of the United States or the District of Columbia and has, as his principal occupation, been actively engaged in the practice of law outside the State of Delaware for a period of 5 years next preceding his application, may be admitted to the Bar upon recommendation of the Board after being subject to such investigation and/or examination as the Board shall determine appropriate. No person shall be admitted to the Bar unless he shall have qualified by producing evidence satisfactory to the Board:

(1) That he has fulfilled the requirements of subparagraph[s] (1) ... of Rule 52 of this Court, which requirements are incorporated herein by reference;

(2) That he is a member in good standing of the Bar of the highest court of a state or territory of the United States or the District of Columbia and that he has, as his principal occupation, been actively engaged in the practice of law outside the State of Delaware for a period of 5 years next preceding his application;

(3) That, if admitted to practice as an attorney in this State, he intends in good faith as a principal occupation, to maintain an office in this State for the practice of law and to practice law actively on a full-time basis in this State; and

(4) That he has been examined by the Board upon legal ethics and The Delaware Lawyer's Code of Professional Responsibility and such other subjects as the Board shall determine, and has been found by the Board to be qualified to practice as an attorney, such examination to be written, or oral, or both, in the discretion of the

Board, in accordance with a general scoring method to be provided in the rules of the Board.

(1) That he personally knows the applicant or has conducted a reasonably comprehensive personal interview with the applicant before agreeing to act as his preceptor;

(2) That he has sufficient personal knowledge of the applicant's background, or has made a reasonable investigation into the applicant's background from independent sources, other than the applicant or his family, such that the required certificate can be given freely and without any reservation;

(3) That he has personally reviewed the application and after discussion with the applicant has reasonably assured himself that the application is factually accurate and contains no omission of any fact required to be disclosed therein.

The preceptor also must disclose the basis of his knowledge upon which the certificate is given. Thus, the role of a preceptor is vital to the admissions process, and is an important responsibility of one undertaking it. His diligence is critical to the proper performance of the Board's work, and from the applicant's standpoint, the preceptor is both an advisor and mentor.

Four days before filing his application, Green first met with James D. Griffin, Esquire, a prominent member of the Sussex County Bar, to ask Mr. Griffin to be his preceptor. Acting in a highly responsible and commendable manner, Mr. Griffin stated that because the deadline for filing the application was May 1, it would be impossible for him to give the required certificate by that date in light of the preceptor's duty to investigate the applicant's character and reputation. During this first meeting, Mr. Griffin reviewed Green's sworn application. It contained the following question and answer:

"31. Is there any other incident in your background, not otherwise referred to in the answers to this Questionnaire, which may have a bearing upon your character or fitness for admission to the Bar?

No." (Emphasis added).

Mr. Griffin stated that he would continue to investigate Green's background, but at no point during this meeting did the applicant disclose the existence of any facts which would suggest that he had been the *884 subject of ethical complaints in the State of Maryland.

After this conference Mr. Griffin contacted the Maryland Commission, as a routine matter, to request information which might assist him in making the certification as to Green's good moral character and reputation. Counsel to the Maryland Commission advised Mr. Griffin that a waiver from Green was necessary before the Commission could release any information in its files. Thereafter, Mr. Griffin wrote the applicant, requesting "a waiver, addressed to the Commission waiving your right to confidentiality and directing them to release *all information* involving past or pending charges, if any, which might exist in that office." (Emphasis added). In response Green submitted a carefully worded waiver authorizing the Maryland Commission only "to advise Mr. James D. Griffin, Esq., as to whether or not there have been any charges, past or pending, made by this office against me *to the Maryland Court of Appeals* and as to whether at any time my license to practice law in Maryland has been suspended, revoked, or if there have been any *public* sanctions issued against me." (Emphasis added).

Based on this waiver the Maryland Commission informed Mr. Griffin that there were no *public* sanctions issued against the applicant, nor any charges against him, past or pending, in the Maryland Court of Appeals, but that because the waiver supplied was limited to *public* matters the Commission could not inform Mr. Griffin of any other complaints. It required a broader waiver to do so. Mr. Griffin then obtained from the applicant, and delivered to the Maryland Commission, a broad and unequivocal waiver of the type needed to procure full disclosure of Green's record. In response to this second waiver, the Maryland Commission informed Mr. Griffin of a series of five complaints involving alleged unethical conduct by Green. One complaint resulted in a private reprimand; three resulted in a warning issued by the Commission's bar counsel; and one complaint, involving a charge of improper withdrawal as counsel, was still pending.

Following these disclosures, the Board conducted a further investigation and ordered a hearing into the matter of Green's character. In his submissions to the Board Green offered explanations which the Board found to be "disingenuous".

Based on the evidence given by the applicant, the Board found that:

"Mr. Green's lack of candor and forthrightness with respect to the Maryland ethics charges has manifested itself in the following critical respects:

a. Although he believed that the Board required disclosure of the Maryland ethics charges in response to Question 31 of his application, in order to assess his character or fitness for admission to the Bar, Mr. Green intentionally did not disclose that information in response to that question;

b. After having been advised by Mr. Griffin that under the Rules of the Board he could not execute the necessary certificate of good character and reputation as requested by Mr. Green without having made an investigation into his background, Mr. Green intentionally did not tell Mr. Griffin of the existence of the Maryland ethics charges;

c. In response to a written request by Mr. Griffin seeking a waiver of confidentiality of *all* information involving past or pending charges against Mr. Green in the office of the Maryland Commission, Mr. Green submitted an artfully drawn waiver drafted in a way he knew would not permit the disclosure of the Maryland ethics charges; and

d. At the hearing, Mr. Green offered testimony attempting to justify the foregoing instances of lack of candor on grounds that were neither credible nor forthright.

In his testimony at the hearing and in the petition he filed on the day of the hearing (Petitioner's Exhibit 1), Mr. Green has sought to explain his failure to disclose the Maryland ethics charges in *885 response to Question 31 of his application on three grounds:

a. It was the feeling of the Petitioner [Mr. Green] that the matters before the Maryland Attorney Grievance Commission did not have a bearing upon the Petitioner's character or fitness;

b. Your Petitioner further felt that to respond in the affirmative to Question 31 would imply that the Petitioner's prior actions had been unethical and an indication of bad character; and

c. Your Petitioner also assumed that in the ordinary due course of processing the application, that inquiry to the applicant's home state Attorney Grievance Commission would be made and that any questions raised would be properly and fairly reviewed, thereby making an affirmative answer to Question 31 superfluous.

* * * After hearing the testimony the Board finds these explanations to be disingenuous."

II.

[1] We begin with certain basic principles. This Court, alone, has the responsibility for licensing and disciplining persons admitted to practice in Delaware. This tenet is of historic proportions, having been transplanted to Delaware by the colonists. It is based on the concept, taken from England, that the courts possess the exclusive right to govern the practice of law. Delaware Optometric Corporation v. Sherwood, Del.Sup., 128 A.2d 812, 816 (1957); Delaware State Bar Association v. Alexander, Del.Sup., 386 A.2d 652, 654 (1978).

[2] Moreover, the interest of this State in matters pertaining to the admission and regulation of lawyers practicing before our courts is essential to the primary governmental function of administering justice, and in meeting our obligation to protect the public by assuring and maintaining high standards of conduct of persons admitted to this Bar. Middlesex County Ethics Committee v. Garden State Bar Association, 457 U.S. 423, 102 S.Ct. 2515, 2522-23, 73 L.Ed.2d 116 (1982); Leis v. Flynt, 439 U.S. 438, 442, 99 S.Ct. 698, 700-701, 58 L.Ed.2d 717 (1979); Goldfarb v. Virginia State Bar, 421 U.S. 773, 792, 95 S.Ct. 2004, 2016, 44 L.Ed.2d 572 (1975).

[3] Admission to the Bar is not under any circumstances an automatic right. Rather, it depends on three basic and unalterable prerequisites: good moral character, learning and demonstrated competence.

Unless an applicant meets these qualifications, denial of admission must follow. Here, we are concerned only with the first.

[4] Good moral character has many attributes, but none are more important than honesty and candor. The burden of establishing this requirement rests and remains with the applicant throughout every stage of the admissions process; and it includes an unremitting duty of candor to all persons charged with investigating and passing upon an applicant's qualifications. This is consonant with the prime obligation and responsibility of both the Board and this Court to protect the public from incompetent and dishonest lawyers, and to assure that those admitted to the Bar possess the requisite attributes of good moral character, learning and ability. The Board has faced that task squarely.

Green suggests that the Maryland ethics charges, even if they had been fully disclosed, were not of sufficient gravity to warrant denial of his application. But we do not address that. Any such question was rendered irrelevant by Green's conduct. Instead, the issue is one of integrity, based on Green's concealment, which he materially compounded by the disingenuous explanations he later offered. Thus, it is Green's conduct, related to the concealment of the Maryland ethics charges, which reflects so adversely upon his character. That is the issue the Board addressed, and it is the only proper one before us.

III.

[5] Green argues that no duty of candor was imposed upon him by Board rules, since *886 any such requirement was inapplicable to him. This is a strange argument indeed. First, as a general principle of Delaware law, it is well established that an applicant must "take care to make careful and accurate responses to the questions in the verified application". *In Re Brown*, Del.Sup., 402 A.2d 367, 368 (1979).

[6] Second, Board Rule BR-52.7(d) provides:

"(d) Consistent with the requirements of DR 1-101 of the Delaware Lawyer's Code of Professional Responsibility, *all applicants* for admission to the Bar have a duty to be candid and to make full, careful and accurate responses and disclosures in all phases of the application and admission procedures. The Board

relies on the responses and disclosures of persons applying for admission to the Bar, including but not limited to responses and disclosures on the application form and during any phase of the admission process. The Board must depend on an applicant to respond fully to its inquiries so that a proper assessment can be made of his fitness for admission to the Delaware Bar. Any lessening of this standard would permit an applicant *subjectively to relate past events in such a manner that the Board could not properly perform its duties under Supreme Court Rule 52(a)(1)*. Thus, it is not proper for an applicant to give either a highly selective or sketchy description of past events reflecting on the applicant's qualifications for admission to the Bar, and then cast the burden on the Board to discover the remaining pertinent details. An applicant who violates this rule may be denied admission to the Bar." (Emphasis added).

Green argues that this rule applies only to persons seeking admission by taking the full bar examination, not to applications, such as his, for admission by motion following successful completion of a limited examination under Rule 53. Clearly and unequivocally, BR-52.7(d) applies the duty of candor to "*all applicants* for admission to the Bar". Moreover, it refers to performance of the Board's duties under *Supreme Court Rule 52(a)(1)*, which is specifically applicable to Green.^{FN3}

FN3. See note 2, supra.

Thus, as the Board correctly states, BR-52.7(d) is merely declarative of the obvious principle that applicants for admission to the Bar have a complete and total duty of candor concerning all aspects of the admissions process.

IV.

Green claims that the Board's notice to him of the hearing was inadequate. The answer to this is found in the notice itself:

"The focus of the Board's inquiries will be upon your failure to disclose to the Board in response to Question 31 of your Application the existence, nature and status of [the Maryland ethics charges]."

Green argues that this did not apprise him of any is-

sue respecting his lack of candor to James D. Griffin, Esquire, regarding disclosure of the Maryland ethics charges. Certainly, this was embodied in the notice to Green. He well knew that the issue arose from Mr. Griffin's initial review of his application, which document did not disclose the Maryland ethics charges. This was followed by Mr. Griffin's attempts to communicate with the Maryland Commission, efforts which first were thwarted by Green's carefully circumscribed waiver.

[7][8] In administrative proceedings there is no requirement that a complaint enumerate each precise piece of evidence embraced within an obvious and well defined subject of investigation. The notice plainly was adequate.

Moreover, Green does not disclose any specific way in which he was prejudiced by the notice. There is no claim that he would have produced additional evidence if the Board's notice had detailed every instance of his lack of candor arising from his false answer to Question 31 on the application. *887 The record discloses that at the hearing Green made no claim of surprise, and in his first application to this Court for expedited relief, filed several days after the Board's decision, Green said nothing of being surprised or prejudiced by the Board's inquiries relating to his dealings with Mr. Griffin. Under the circumstances it is apparent that the record fully supports the adequacy of notice to Green, and his arguments to the contrary have neither factual nor legal bases.

V.

Finally, Green argues that the record is insufficient to support the Board's findings and conclusions regarding his lack of candor. He urges upon us an independent review of the record to make de novo findings of fact and conclusions of law.

[9][10][11] This ignores certain well established rules of appellate procedure in this Court. Under Rule 52(a) appeals from the Board are "determined from the record of the matter before the Board ... and not by means of a hearing de novo. Findings by the Board relating to disputed issues of fact and credibility will not be reversed by the Court so long as they are supported by substantial evidence". We see no reason to treat decisions of the Board any differently than those of other administrative agencies whose

actions we review. The Board is an important arm of this Court, composed of experienced and able members of the Delaware Bar. Provided their findings are supported by substantial evidence and are the product of an orderly and logical deductive process, we accept them. Where, as here, the determination of facts turns on a question of credibility and the acceptance or rejection of "live" testimony before the Board, this Court, in the exercise of judicial restraint, must affirm. Levitt v. Bouvier, Del.Supr., 287 A.2d 671, 673 (1972). Here, the record clearly meets the tests of legal sufficiency.

For the foregoing reasons, the decision of the Board, denying Green admission to the Delaware Bar, is AFFIRMED.

Del.,1983.
In re Green
464 A.2d 881

END OF DOCUMENT

EXHIBIT E

THE DELAWARE CLERKSHIP REQUIREMENT: A LONG-STANDING TRADITION

by Hon. Randy J. Holland

A clerkship requirement has long been a part of Delaware's bar admission procedures. A two-volume treatise on Delaware practice written more than a century ago by Judge Victor Woolley describes admission to the bar as follows:

Admission to the Bar. Upon application for the admission of a student to practice as an attorney, it is required that he be a resident of this State, of full age, that he shall have studied the law at least three years after the filing of his certificate as a student of law, under the direction of a member of the bar of this State who has been in practice for at least ten years theretofore; that he be a person of integrity and good character, and that he shall have been privately and fully examined by the Board of Bar Examiners.¹

Once graduation from an approved law school and taking the bar examination became conditions for admission to the bar, the Delaware clerkship requirement reduced over time and is now a term of five months. In 2008, 165 applicants were admitted to the Delaware Bar, all of whom completed the clerkship process.

The Delaware clerkship requirement is part of a valuable and venerable professional training tradition for lawyers, and can trace its roots back to the

legal system of England. The four English Inns of Court in London have been mentoring lawyers for centuries. In fact, the idea for the American Inns of Court (a voluntary mentoring organization with six chapters in Delaware) originated with Chief Justice Warren Burger following an Anglo-American exchange program.² He was impressed with the mentoring structure at the English Inns of Court for barristers prior to their being called to the bar. Chief Justice Burger was particularly impressed with how the English Inns of Court had preserved and perpetuated integrity, civility, ethics, and legal excellence.

The requirements for admission to the bar of the Delaware Supreme Court are set forth in its rules. Rule 52(a)(8) provides that no applicant shall be admitted to the bar unless the applicant has passed the bar examination and served a clerkship in the State of Delaware aggregating substantially full-time service for at least five months' duration as follows:

(i) **Law Office.** In the office of or under the direct and constant supervision of the applicant's Preceptor, or under the direct and constant supervision of such other member of the Bar of this State who is satisfactory to the applicant's Preceptor and has been in practice for at least 5 years theretofore;

(ii) **Law Clerk.** As a law clerk of a justice or judge of the courts of this State or of a United States judge residing in Delaware;

(iii) **Public Office.** In the office of the Department of Justice of the State of Delaware, the office of the Public Defender of the State of Delaware, the office of the United States Attorney for the District of Delaware, the office of the City Solicitor of the City of Wilmington, the office of Community Legal Aid Society, Inc., the office of Delaware Volunteer Legal Services, Inc., or in the office of a related or similar organization approved by the Board, under the direct and constant supervision of a member of the Bar of this State qualified under these Rules.³

The five-month clerkship period does not have to be continuous. The clerkship period can only commence, however, after the applicant has matriculated at an approved law school. During the clerkship, the applicant must complete a list of legal activities related to the practice of law that is prepared and furnished by the Delaware Board of Bar Examiners (see Delaware Clerkship Checklist on pages 31–33). The legal activities include the following:

- attendance at specific courts for various trials and hearings, arbitration or mediation, motion, arraignment, sentencing, jury selection, pretrial conference, argument, client/witness/litigant interview, deposition, real estate closing

- participation in the preparation of papers, memoranda of law, draft will and/or trust instrument
- participation in the administration of an estate and incorporation of a new company
- review of rules, case records, briefs
- complete title search

THE CLERKSHIP CAN BE PERFORMED DURING OR AFTER THE CONCLUSION OF LAW SCHOOL. ALMOST ALL APPLICANTS ACCOMPLISH THE MAJORITY OF THE ACTIVITIES DURING ONE OR MORE SUMMERS WHILE THEY ARE IN LAW SCHOOL AND FINISH ANY REMAINING ACTIVITIES IN THE MONTHS IMMEDIATELY AFTER THEY HAVE TAKEN THE BAR EXAMINATION.

The clerkship can be performed during or after the conclusion of law school. Almost all applicants accomplish the majority of the activities during one or more summers while they are in law school and finish any remaining activities in the months immediately after they have taken the bar examination. There is no time limit on the length of any activities,

and applicants can be compensated while they are completing the clerkship requirements; in fact, most applicants perform the clerkship requirements during the course of their employment with a private law firm or in the public sector. The activities can be completed in any order and are usually done based upon the availability of the particular task (e.g., attendance at a deposition or trial when such is scheduled).

Each applicant for admission to the bar must be vouched for by a member of the Delaware Bar who has been in practice for at least 10 years and who has been designated by the board to be the applicant's preceptor or mentor. The definition of *mentor* in WEBSTER'S COLLEGIATE DICTIONARY is "a trusted counselor or guide." The Delaware Board of Bar

Examiners' memorandum of instructions to preceptors starts with the following paragraph:

As a preceptor, you have a unique opportunity to be a guiding force and mentor to an applicant. Your frequent meetings with your applicant provide a wonderful opportunity to impart principles of appropriate lawyer conduct as a member of the Delaware Bar. By your own example, you can demonstrate the professionalism that is a hallmark of the Delaware Bar—professionalism that embodies a dedication to the principles of ethics, civility, skill, businesslike practice and a focus on service to the public, the Court and the Bar (*see* Supreme Court Rule 71). Our legacy as Delaware lawyers will be judged in part by the effectiveness with which we communicate the expectations of our profession to those who follow us, and you are in a unique position to impart those expectations at the earliest stage of a Delaware lawyer's career.⁴

There is only one preceptor for each applicant. Generally, either the applicant knows a Delaware attorney with 10 years of experience, or one of the attorneys or judges where he or she plans to work agrees to be the preceptor. If an applicant is not able to locate a preceptor, the Board of Bar Examiners assigns one from the "preceptor bank" of volunteers.

Prior to admission to the bar, both the applicant and the applicant's preceptor must certify to the Board of Bar Examiners that the applicant has completed the five-month clerkship and the list of legal activities. The preceptor must also represent to the Delaware Supreme Court "that the applicant is a person of good moral character and reputation and that the applicant possesses such qualities, aptitudes

and disposition as fit the applicant for the practice of law."⁵ The character and fitness assessment by the preceptor is in addition to the character and fitness investigation by the Board of Bar Examiners.

Under Board of Bar Examiners Rule 10, a preceptor has an affirmative duty to base all certifications upon specific personal knowledge and/or investigation and supervision. In making those certifications, a preceptor represents to the Delaware Supreme Court and the Board of Bar Examiners that the duties imposed by the rules have been satisfied, including (by way of example only):

- personal knowledge of or reasonable investigation of the character and fitness of the applicant,
- factual accuracy and completeness of the candidate's application for admission, and
- full compliance with the clerkship requirements set forth in Supreme Court Rule 52(a)(8).⁶

A preceptor may be held accountable to the Delaware Supreme Court for failure to perform adequately the duties and obligations of a preceptor.

The rules of the Delaware Supreme Court and the Board of Bar Examiners relating to preceptors and the five-month clerkship are designed to assess and instruct the applicant to the bar in two important areas, as stated in the board's memorandum of instructions to preceptors:

1. Character and fitness of the applicant.

The duties imposed upon a preceptor under Board Rule 10 are designed to make the preceptor's sponsorship of the applicant a meaningful part of the admission process rather than a *pro forma* exercise. Board Rule 10(d)(1)

(Continued on page 34)

Delaware Clerkship Checklist

Revised 5/09

Clerk's Name: _____ Date: _____
Address: _____
Phone Number: _____
Preceptor's Name: _____

LAW CLERK SCHEDULE OF LEGAL ACTIVITIES

The following items are to be considered minimum requirements for each law clerk, to be completed during the five months' clerkship and prior to admission to the Bar, whether that clerkship is performed during or after the conclusion of law school. Responsibility for scheduling rests on the clerk; making these arrangements is regarded as an important part of the clerkship training. Either the preceptor or a qualified member of the Bar of this state must sign each completed assignment. See Supreme Court Rule 52(a)(8) and Board of Bar Examiners Rule 10.

ASSIGNMENT

1. Attendance at one complete civil trial in a Justice of the Peace Court.
Date Completed _____ Supervised by/Bar ID _____
2. One half-day visit to Family Court, including attendance at a Trial or a Dependency and Neglect hearing if permitted by the sitting judge.
Date Completed _____ Supervised by/Bar ID _____
3. Review of the Rules of Family Court.
Date Completed _____ Supervised by/Bar ID _____
4. Attendance at (or audit of a tape recording of) one civil trial in Court of Common Pleas. (Warning: These cases often settle at the last minute. Therefore, you should begin your efforts to meet this requirement early in your clerkship.)
Date Completed _____ Supervised by/Bar ID _____
5. Attendance at one criminal trial in the Court of Common Pleas.
Date Completed _____ Supervised by/Bar ID _____
6. Attendance at one ADR Proceeding under Superior Court Civil Rules or, alternatively, attendance at one arbitration or mediation in Delaware under the Rules of the American Arbitration Association or any similar ADR organization.
Date Completed _____ Supervised by/Bar ID _____
7. Attendance at one session of arraignments in Superior Court.
Date Completed _____ Supervised by/Bar ID _____
8. Attendance at one session of sentencing in Superior Court.
Date Completed _____ Supervised by/Bar ID _____
9. Attendance at one selection of a jury in Superior Court.
Date Completed _____ Supervised by/Bar ID _____
10. Attendance at a criminal trial in Superior Court.
Date Completed _____ Supervised by/Bar ID _____

(Continued)

ASSIGNMENT

11. Attendance at a pre-trial conference in District Court, Court of Chancery or Superior Court.
Date Completed _____ Supervised by/Bar ID _____
12. Participation in the preparation of papers relating to an actual or mock motion in the Superior Court, and attendance at presentation of a Superior Court motion after study of the applicable motion papers and a review of the principal authorities relied upon by the parties.
Date Completed _____ Supervised by/Bar ID _____
13. Attendance at a civil jury trial in Superior Court.
Date Completed _____ Supervised by/Bar ID _____
14. Attendance at a trial or hearing in the Court of Chancery.
Date Completed _____ Supervised by/Bar ID _____
15. Review of record of a case which has been tried and appealed.
Date Completed _____ Supervised by/Bar ID _____
16. Participation in preparation of papers relating to perfecting an actual or mock appeal to the Delaware Supreme Court, including designation of the record on appeal, or preparation of papers relating to a certification of a question of law or interlocutory appeal to the Supreme Court, including designation of the record on appeal.
Date Completed _____ Supervised by/Bar ID _____
17. Attendance at (or audit of a tape recording of) an argument in the Supreme Court after a study of applicable briefs, and a review of some of the principal authorities relied on.
Date Completed _____ Supervised by/Bar ID _____
18. Attendance at a civil or criminal trial in the District Court.
Date Completed _____ Supervised by/Bar ID _____
19. Attendance at one Sheriff's Sale.
Date Completed _____ Supervised by/Bar ID _____
20. Attendance at one interview of a client, witness or litigant with a matter.
Date Completed _____ Supervised by/Bar ID _____
21. Preparation of papers relating to commencement of actual or mock lawsuit including complaint, praecipe, and instruction to Sheriff.
Date Completed _____ Supervised by/Bar ID _____
22. Preparation of three memoranda of law.
Date Completed _____ Supervised by/Bar ID _____
23. Attendance at one deposition.
Date Completed _____ Supervised by/Bar ID _____
24. Preparation of one draft will and/or trust instrument or review and digest of three recently probated wills with the Register of Wills.
Date Completed _____ Supervised by/Bar ID _____

ASSIGNMENT

25. Participation in administration of one estate, or review of the records of two estates recently closed at the Register of Wills.

Date Completed _____ Supervised by/Bar ID _____

26. Attendance at one real estate closing.

Date Completed _____ Supervised by/Bar ID _____

27. Participation in a complete incorporation of a new company or review and digest of a recently filed certificate of incorporation.

Date Completed _____ Supervised by/Bar ID _____

28. Complete title search under supervision.

Date Completed _____ Supervised by/Bar ID _____

29. Attendance at a hearing of the Delaware Alcoholic Beverage Control Commission, Industrial Accident Board, or other administrative agency.

Date Completed _____ Supervised by/Bar ID _____

I, _____, hereby certify that I have completed a clerkship in the State of Delaware under the supervision of a Delaware attorney aggregating substantially full-time service for at least five months' duration in full compliance with Delaware Supreme Court Rule 52(a)(8) and have completed all of the items so indicated on this Law Clerk Schedule.

Signature

Date

I, _____, preceptor for _____, an applicant for admission to the Bar of the State of Delaware, do hereby certify pursuant to the Board of Bar Examiners Rule BR-10(d)(2) that said applicant has served a clerkship in the State of Delaware, aggregating substantially full-time service for at least five months' duration in full compliance with Delaware Supreme Court Rule 52(a)(8) and has completed the items indicated on the Law Clerk Schedule.

Signature of Preceptor

Date


Source: Board of Bar Examiners of the Supreme Court of Delaware, Clerkship Checklist, <http://courts.state.de.us/forms/download.aspx?id=28478> (last visited Sept. 22, 2009).

explicitly recognizes that the Court and the Board rely on the preceptor's certification. [The] preceptor [has] an affirmative duty to investigate the character and fitness of the applicant and to examine carefully the truthfulness and completeness of the application that provides needed assistance to the Board in making its investigation.

2. Practical training of the applicant. The clerkship requirements are intended to make the clerkship a meaningful teaching mechanism to help insure that an applicant's preparation for admission includes a bona fide exposure to the practical aspects of law practice and the traditions of the Delaware Bar. This training can only be accomplished if the Preceptor is actively and closely involved in the process. Thus, Supreme Court Rule 52(8)(i) requires "direct and constant" supervision of the applicant, to which the Preceptor must certify. . . . Board Rule 10(d) provides that the preceptor "shall confer on a frequent and regular basis . . . to advise the applicant of the expected conduct and obligations of a member of the Bar."

The strength of Delaware's clerkship program has been the voluntary participation of judges and senior lawyers as preceptors. The Delaware Supreme Court continues to believe that it is important for senior members of the bar to supervise practical and substantive legal training for new lawyers, while at the same time mentoring them about civility, legal ethics, and professionalism.

The Delaware clerkship requirement has worked well and continues to be a very important part of Delaware's legal landscape for two reasons. First, it has been embraced by the preceptors, who welcome the opportunity to pass on Delaware's best practices,

and it is appreciated by the applicants as a valuable complement to their formal legal education. Second, it gives the Supreme Court confidence that the public will be well served by the men and women who are admitted to the Delaware Bar. Delaware continues to believe in the timeless tradition of mentoring as a crucial factor in ensuring professional excellence. 

ENDNOTES

1. Victor Baynard Woolley, *PRACTICE IN CIVIL ACTIONS AND PROCEEDINGS IN THE LAW COURTS OF THE STATE OF DELAWARE (WOOLLEY ON DELAWARE PRACTICE)* (Star Printing Company 1906).
2. The American Inns of Court is a national organization with more than 400 chapters throughout the United States. Each chapter meets monthly for educational programs focusing on ethics and civility. Senior members of the bench and bar serve as mentors to new lawyers. Delaware has six American Inns of Court. They are all logical voluntary extensions of the pre-admission clerkship experience.
3. DEL. SUP. CT. R. 52(A)(8).
4. Memorandum to Preceptors from the Board of Bar Examiners, "RE: Preceptor Duties and Clerkship Requirements," April 5, 2006.
5. DEL. SUP. CT. R. 52(A)(1).
6. DEL. SUP. CT. R. 10.
7. Memorandum to Preceptors from the Board of Bar Examiners, "RE: Preceptor Duties and Clerkship Requirements," April 5, 2006.



HON. RANDY J. HOLLAND has served on the Delaware Supreme Court since 1986. Justice Holland is a past president of the American Inns of Court Foundation. He chaired the National Advisory Committee for the American Judicature Society's Center for Judicial Ethics and also chaired the American Bar Association's National Joint Committee on Lawyer Regulation. Justice Holland is a member of the American Law Institute and is an adjunct professor at several law schools.